

Application No. 10/813,974
Amendment Dated September 19, 2008
Reply to Office Action Dated March 19, 2008

Remarks

Claims 1-42 are pending.

Claims 1-42 stand rejected

Claims 1, 21, 39 and 42 have been amended.

Claims 1-42 are submitted herein for review.

No new matter has been added.

In paragraph 2 of the Office Action, the Examiner has rejected claims 39-42 under 35 U.S.C. § 101 because the Examiner contends that independent method claim 39 is a mere manipulation of data, an algorithm that does not include any tangible routing/switching hardware or network references and that such steps can be performed in the mind of person.

Applicants respectfully disagree. Independent claim 39 is a method claim relating to a call routing process. As a method claim there is no requirement for physical elements to be disclosed. Rather to meet the requirements of 35 U.S.C. § 101 the tangible result is the routing of a telephone call. Such a process (telephone call routing) is a realizable result that is not merely a mental calculation or exercise. For example, the step of re-routing a call to a second call center is a tangible step that results in a telephone call being routed from one call center to another. Such an operation, if meeting the novelty and non-obviousness requirements is patentable subject matter. As such, Applicants respectfully request that this rejection of claims 39-42 be withdrawn.

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In paragraphs 41-42 the Examiner has rejected claims 41 and 42 under 35 U.S.C. § 112 for indefiniteness. Applicants have amended the dependency of claim 42 to claim 41. Applicants note that claim 39, with dependent claims 40 and 41 denote that it is the “operator” that communicates with the caller by voice (claim 39) with the option that the “operator” being a live human (claim 40) or a processor running a software (claims 41-42).

Turning to the substantive rejections, in paragraph 6 of the Office Action the Examiner has continued the rejection of independent claims 1, 21 and new claim 39 under 35 U.S.C. § 102(b) as being anticipated by Schaffer (U.S. Patent No. 6,385,312). The Examiner’s response to arguments are found on page 13 of the Office Action.

In the response, the Examiner argues that in Shaffer that the routing to the call center *is* based on a communication device identifier as noted in Figures 27 and 28 and as described in the corresponding columns 38-41.

Applicants respectfully disagree with the Examiner and submit the following remarks in response.

The present invention as claimed in the independent claims is directed to a method for routing a call from a wireless communications device to a call center including receiving a call, having an associated communication device identifier, at a first call center, the call being routed to the first call center based on said communications device identifier, the call center being designated to handle all calls having said communications device identifier regardless of the location of the wireless communication device. Then, the geographic vicinity of the wireless communications device is determined at the first call center. The call is then re-routed to a second call

center if that second call center is closer to the geographic vicinity of the wireless communications device than the first call center.

Such an arrangement is useful for example in a directory assistance context, when calls are routed to call centers based on the ANI (Automatic Number Identifier) of the wireless device. For example, when a caller is traveling with a wireless device and they call directory assistance, their ANI will cause the call to be routed to the call center closest to their home ANI and not to the call center closest to where they are physically located. However, with some advanced directory assistance features, such as concierge features, a local call center may be better suited to handle a call than the home call center of the caller that the call was initially routed to based on the caller's ANI. In such an instance, the arrangement of the present invention, after having the call routed to the first call center based on the ANI, then determines the location of the caller and re-routes the call to the second geographically proximate call center. See paragraph [0023] of the present invention.

The cited prior art, namely Shaffer is directed to a geographic based call routing system for 1-800 numbers. As noted in the prior Amendment, Shaffer is directed to a telephonic system where, when the initiated reaches the first switch (111, in Figure 27), the geographic location of the caller is determined using a table system that uses a comparison to a geo-coded database (See column 9, lines 15-33). Thereafter, the call is routed to the appropriate destination 150 (see step 1168 in Fig. 28B). Although the ANI is mentioned in the Shaffer in column 38, it is noted that this ANI is being used, in part at least, to determine the location of the caller *before the switch sends the call out to its initial destination*. The ANI of the caller is being used in the examples in Shaffer to

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compare against the geocoded location charts, but is not used for routing the call to a particular call center regardless of location.

Moreover, the Shaffer system is unlike the present invention in other respects. For example, there is only one destination and routing step in Shaffer. The aim of the Shaffer system is to make sure, from the first receiving switch, that call on a 1-800 number routing is delivered to the correct destination in the first place, based on the presumed location of the caller using their ANI. On the other hand, the present invention automatically routes a call to a first call center that is designated to handle all calls having the device identifier of the caller. Thereafter, the location is determined at the call center and then, the call is re-routed to another call center that is more geographically proximate to the caller. There is no second call center or re-routing step in Shaffer.

As such, the cited Shaffer reference does not teach or suggest all of the elements of the independent claims. For example, there is no teaching or suggestion in Shaffer that discloses receiving a call, having an associated communications device identifier at a first call center based on the communications device identifier, where the call center is designated to handle all calls having that communications device identifier regardless of the location of the wireless communication device. Likewise, there is no teaching or suggestion in Shaffer that discloses determining the geographic vicinity of the wireless communications device at the first call center, and re-routing the call to a second call center if that second call center is closer to the geographic vicinity of the wireless communications device than the first call center.

In view of the foregoing Applicants respectfully submit that pending claims 1-42

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are in condition for allowance, the earliest possible notice of which is earnestly solicited.

If the Examiner feels that an interview would facilitate the prosecution of this

Application they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

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Dated: 9/19/08